REMARKS

Applicant respectfully requests reconsideration of this application. Claims 1, 2, 4-8, 10-14 and 16-20 are pending. Claim 1 has been amended. No claims have been canceled or added.

Claims 1, 4-7, 10-13 and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over the alleged Applicant's Admitted Prior Art (AAPA) in view of U.S. Patent No. 4,639,680 of Chao et al. (USPN: 5007070) ("Chao"). Applicant respectfully traverses the rejection.

Claim 1 as amended sets forth:

> counting clock edges of the first clock signal **using a counter,**
> counting clock edges of the second clock signal **using the counter**, and
> sending the feedback **directly from the counter to the second source**

when clock edges of the first clock signal differ in number from clock edges of the second clock signal for a period of time.
(Claim 1 as amended; emphasis added)

In contrast, neither the alleged AAPA nor Chao, alone or in combination, discloses the above limitation. The alleged AAPA disclosed translation of a pixel stream on a non-SSC clock to a pixel stream on a SSC clock by inserting or deleting blank pixels. The alleged AAPA does not teach sending a feedback directly from the counter to the second source when clock edges of the first clock signal differ in number from the clock edges of the second clock signal for a period of time. It is respectfully submitted that Chao does not teach the above limitation as well.

The Office Action analogized the final signal converted by the filter into a single voltage to be the feedback as claimed (Office Action, p. 3, second paragraph). The Office Action further stated that the filter creates the final feedback signal based on the

up or down signal received from the phase detector (Office Action, p. 10, last paragraph). The up and down signals are produced by the counters, subtractor, carry generation circuit, and decision circuit within the phase detector 150 (Chao, Figure 7B). The voltage in Chao is directly sent *from the filter 160 to the phase detector* 150 (Chao, Figure 7A). The counters in Chao do not send any feedback directly to a second source of a second clock signal. Therefore, Chao does not disclose counting clock edges of the first clock signal using a counter, counting clock edges of the second clock signal using the counter, and ***sending the feedback directly from the counter to the second source*** when clock edges of the first clock signal differ in number from clock edges of the second clock signal for a period of time.

Since neither the alleged AAPA nor Chao discloses the limitation of claim 1 as amended set forth above, claim 1 is patentable over the alleged AAPA and Chao for at least this reason. Withdrawal of the rejection is respectfully requested.

Further, the Examiner noted in the Office Action that the AAPA does not expressly state if the clocks come from one or two sources. However, the Examiner argued that the use of two sources would be obvious to one skilled in the art. Likewise, Chao also fails to disclose two sources of two clock signals. If the Examiner is relying on facts which are not of record as common knowledge to arrive at Applicant's claim limitation noted above, then the **Examiner is respectfully requested to provide evidentiary support of such**. The Examiner's attention is directed to MPEP 2144.03(c). Absent such submission of evidentiary support, Applicant submits that the rejection of claim 1 under 35 U.S.C. §103(a) based solely on the alleged AAPA and Chao does not render the claim unpatentable. Therefore, Applicant submits that claim 1 is patentable over the cited references for the above reason as well.

Moreover, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and *not based on applicant's disclosure. In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); see also MPEP § 2142. The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. The examiner must present a *convincing line of reasoning* as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). However, the Office Action summarily concluded that the motivation for doing so [i.e., combining the disclosures of the alleged AAPA and Chao] "would have been a matter of design choice" (Office Action, p. 3, last paragraph). Then the Office Action argued that "both the AAPA and Chao provide methods synchronizing multiple clock signals so data are transmitted and buffers holding the data are kept from overflow and underflow conditions" (Office Action, p. 3, last paragraph).

First, the alleged AAPA discloses a twin mode to drive two video displays, in which a buffer may overflow due to differences in frequencies between two pixel streams (Specification, p. 3). The alleged AAPA does not disclose a method for synchronizing multiple clock signals.

Second, even if the alleged AAPA and Chao can be combined or modified, it is *not sufficient* to establish prima facie obviousness. The Federal Circuit held that the mere fact that references can be combined or modified does not render the resultant

combination obvious unless the *prior art also suggests the desirability of the combination*. *In re Mill*, 916 F.2d 680 (Fed. Cir. 1990). Contrary to the Federal Circuit's holding, the Office Action does not point to any suggestion of the desirability of the proposed combination in the references cited nor within the common knowledge of one of ordinary skill in the art at the time of the invention. Instead, the Office Action merely concluded that "[t]he motivation for doing so would have been a matter of design choice." The Office Action fails to provide a "convincing line of reasoning" as required by the Federal Circuit. Thus, it is respectfully submitted that a *prima facie* case of obviousness has not be established. For at least this reason, claim 1 is patentable over the alleged AAPA and Chao. Withdrawal of the rejection is respectfully requested.

For the reasons discussed above with respect to claim 1, claims 7, and 13 are patentable over AAPA and Chao. Withdrawal of the rejection is respectfully requested.

Claims 5-6, 11, 12, and 17-20 depend, directly or indirectly, from claims 1, 7, and 13, respectively. Thus, claims 2, 5-6, 8, 11-12, 14, and 17-20 are patentable over AAPA and Chao for at least the reasons discussed above with respect to claims 1, 7, and 13. Withdrawal of the rejection is respectfully requested.

Claims 2, 8, and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the AAPA and Beale et al. (USPN: 5790615; hereinafter, "Beale"). Applicant respectfully traverses the rejection.

Claim 2 sets forth:

> ... sending a signal from the buffer to the second source when the ***content*** of the buffer ***reaches a predetermined threshold value***.

(Claim 2; emphasis added)

In contrast, neither the AAPA nor Beale discloses the above limitation. As stated in the Office Action, the alleged AAPA does not disclose the above limitation (Office

Action, p. 8). Moreover, Beale discloses monitoring a ***data buffer count difference*** and providing a fixed/variable frequency divider 108 with a frequency control signal (Beale, col. 10, ln. 43-46). Specifically, the data buffer count difference is the difference between the actual count of samples within the data buffer 32 and the *nominal count* of data samples therein (Beale, col. 10, ln.30-32). In other words, the frequency control signal in Beale is sent based on a difference between the actual count of samples within the data buffer and the nominal count. Beale does not disclose sending a signal from the buffer to the second source when the ***content*** of the buffer ***reaches*** a ***predetermined threshold value***. Since neither the alleged AAPA nor Beale discloses every limitation set forth in claim 2, claim 2 is patentable over the alleged AAPA and Beale for at least this reason. Withdrawal of the rejection is respectfully requested.

Furthermore, it is respectfully submitted that claim 2 is not obvious over the alleged AAPA nor Beale because one of ordinary skill in the art would not have been motivated to combine the references. However, the Office Action argued that the motivation for doing so would have been to correct the problem as noted with the AAPA with a system intended to "maintain sample-clock timing synchronization to thereby *correct the integration effects on the timing synchronization pulse*" (Office Action, p. 9, second paragraph, citing Beale, col. 2, ln. 58-61). The "integration effects" referred to by Beale is caused by a low frequency signal that requires integration due, in part, to multipath interference effects involved in the reception of broadcast information in automotive applications (Beale, col. 2, ln. 53-58). Beale does not disclose, suggest, or imply the digital phase lock loop network disclosed is for correcting the problem of buffer overflow. On the other hand, although the alleged AAPA disclosed that the buffer may overflow, the solution disclosed in the alleged AAPA inserts and/or deletes blank

pixels to the video data stream, which has nothing to do with a digital phase lock loop. The alleged AAPA does not disclose, suggest, or imply adjusting a clock signal with a digital phase lock loop to solve the problem of buffer overflow. Without any suggestion or motivation in the cited references, one of ordinary skill in the art would not have been motivated to use the digital phase lock loop in Beale to solve the buffer overflow problem in the alleged AAPA. Therefore, claim 2 is not obvious in view of Beale and the alleged AAPA. Withdrawal of the rejection is respectfully requested.

For the reasons discussed above with respect to claim 2, claims 8 and 14 are patentable over Beale and the alleged AAPA. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant respectfully submits that the rejections have been overcome by the remarks, and that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the pending claims be allowed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. If any other petition is necessary for consideration of this paper, it is hereby so petitioned.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,
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